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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DENNIS KING and TRICIA KING,
8 husband and wife,

9 Plaintiffs,

10 v.

11 TERENCE SEAN MCGEE, M.D., and
12 KIM MCGEE, husband and wife, and
13 OHS HEALTH & SAFETY
14 SERVICES, INC., a California
Corporation,

Defendants.

NO: 2:12-CV-0622-TOR

ORDER GRANTING PLAINTIFFS'
MOTION TO CERTIFY JUDGMENT

15 BEFORE THE COURT is Plaintiffs' Motion to Certify Judgment (ECF No.
16 226). The Court has reviewed the motion and the entire file, and is fully informed.

17 **BACKGROUND**

18 On January 19, 2017, the Court entered a Judgment in favor of Plaintiffs
19 Dennis and Tricia King (collectively, "Judgment Creditors") against Defendants
20 Terence Sean McGee, M.D., Kim McGee, and OHS Health & Safety Services, Inc.

1 (collectively, “Judgment Debtors”) in the amount of \$537,500, following a jury trial.
2 *See* ECF No. 195. The Court also ordered post judgment interest at the rate of
3 0.82% per annum and costs. *Id.* Thereafter, Judgment Debtors filed a Notice of
4 Appeal with the Ninth Circuit Court of Appeals on February 2, 2017, challenging
5 this Court’s (1) Judgment (ECF No. 195) and Jury Verdict (ECF No. 192); (2) Order
6 re: Defendants Terence Sean McGee M.D. and Kim McGee’s Fed. R. Civ. P. 50
7 Motion for Judgment as a Matter of Law (ECF No. 194); and (3) Order re: Pending
8 Motions (ECF No. 101).

9 Judgment Creditors now move the Court to certify the Judgment in the Central
10 District of California. ECF No. 226 at 4. Judgment Debtors have not opposed
11 Judgment Creditors’ motion.

12 **DISCUSSION**

13 A district court may certify a judgment pending appeal in another district
14 where good cause is shown. *See* 28 U.S.C. § 1963. The Ninth Circuit has yet to
15 define “good cause,” but good cause has been shown where there is “an absence of
16 assets in the judgment forum, coupled with the presence of substantial assets in the
17 registration forum.” *Columbia Pictures Television, Inc. v. Krypton Broad. of*
18 *Birmingham, Inc.*, 259 F.3d 1186, 1197-98 (9th Cir. 2001). “A judgment so
19 registered shall have the same effect as a judgment of the district court of the district
20 where registered and may be enforced in like manner.” 28 U.S.C. § 1963.

1 Federal Rule of Civil Procedure 62(d) permits a debtor to stay of enforcement
2 if the judgment debtor posts a court-approved supersedeas bond. In that regard, a
3 judgment pending appeal cannot be enforced in any district (originating or foreign)
4 where a supersedeas bond has been posted. *Columbia Pictures Television*, 259 F.3d
5 at 1197 n.6.

6 Here, Judgment Creditors argue that good cause exists to certify the Judgment
7 in California because Judgment Debtors have made no effort to satisfy the judgment,
8 nor filed a supersedeas bond with the Court to stay enforcement of the judgment
9 pending appeal. ECF Nos. 226 at 3; 227 at ¶ 3; *see also* Fed. R. Civ. P. 62(d).

10 Judgment Creditors also argue that Judgment Debtors do not own assets in the
11 Eastern District of Washington. *Id.* at 3-4; ECF No. 227 at ¶ 5. As a result,
12 Judgment Creditors have been prevented from obtaining any relief to satisfy the
13 judgment. Judgment Creditors argue that Judgment Debtors own “substantial
14 assets” in the Central District of California. ECF No. 226 at 4; ECF No. 227 at ¶ 6.

15 Judgment Debtor, Dr. McGee, is a Certified Medical Review Officer, and he and
16 Judgment Debtor, Mrs. McGee, reside in Los Angeles County, California. ECF No.
17 21 at ¶ 1.4. Judgment Debtor, OHS Health & Safety Services, Inc., is a for-profit
18 California corporation doing business in Orange County, California. ECF No. 41 at
19 ¶ 1.8; *see also* ECF No. 33 at ¶ 1.8.

1 Judgment Debtors do not dispute that they lack assets in Washington and own
2 assets in California and because all three Judgment Creditors reside and/or conduct
3 business in California, good cause exists under 28 U.S.C. § 1963 to certify the
4 Judgment for registration in the Central District of California. The Court **grants**
5 Judgment Creditors' motion.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 1. Plaintiffs' Motion to Certify Judgment (ECF No. 226) is **GRANTED**.

8 2. The Clerk of Court shall certify the Judgment so Plaintiffs may register the
9 Judgment (ECF No. 195) in the Central District of California.

10 The District Court Clerk is directed to enter this Order and provide copies to
11 counsel.

12 **DATED** September 5, 2017.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge